

SENATE BILL 9005

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 37; Title 49; Title 68 and Title 71, relative to
disease prevention by educational authorities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by
adding the following as a new section:

68-5-118. Contact tracing in schools.

(a) As used in this section:

(1) "Contact tracing" means the practice of identifying, notifying, and
monitoring individuals who may have had close contact with a person having a
confirmed or probable case of a disease as a means of controlling the spread of
infection;

(2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and
coronavirus disease 2019, commonly referred to as COVID-19, and includes a
mutation of SARS-CoV-2 or COVID-19;

(3) "Disease" means:

(A) A contagious or communicable disease; or

(B) A disease that has been declared by the commissioner of
health to be subject to isolation and quarantine;

(4) "Local education agency" or "LEA" has the same meaning as defined
in § 49-1-103; and

(5) "Public charter school" has the same meaning as defined in § 49-13-
104.

(b)

(1) Except as provided in subdivision (b)(3), an LEA, public charter school, or public institution of higher education may develop and implement procedures for contact tracing in the event of an outbreak or potential outbreak of a disease.

(2) If an LEA, public charter school, or public institution of higher education's contact tracing procedures identify an individual who is infected or suspected to have been exposed to a disease, then the LEA, public charter school, or public institution of higher education shall immediately notify the county health department in which the diseased person or suspected diseased person is found.

(3) An LEA, public charter school, or public institution of higher education shall not:

(A) Develop a contact tracing procedure for COVID-19;

(B) Implement a new or existing contact tracing procedure for COVID-19; or

(C) Deny an individual access to the premises of an LEA, public charter school, or public institution of higher education, or prohibit an individual from utilizing services provided by an LEA, public charter school, or public institution of higher education, solely because the individual is suspected to have been exposed to or infected with COVID-19 and is not exhibiting symptoms.

(4) Subdivision (b)(3)(C) does not apply if a county health department has identified an individual as a known or suspected case of COVID-19. An LEA, public charter school, or public institution of higher education must follow

applicable rules from the county health department as it relates to the identified individual.

(5) This section does not affect provisions related to remote instruction in § 49-3-317, or title 49, chapters 16 or 18.

SECTION 2. Tennessee Code Annotated, Section 68-5-103, is amended by deleting "§ 68-5-102" and substituting "§ 68-5-102 or § 68-5-118".

SECTION 3. Tennessee Code Annotated, Section 49-2-203(b)(2), is amended by deleting the language "cured;" and substituting "cured. This subdivision (b)(2) does not apply to COVID-19. As used in this subdivision (b)(2), "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, and includes a mutation of SARS-CoV-2 or COVID-19;".

SECTION 4. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.